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For other disability agencies, visit Virginia’s
Disability Services Agencies web site at:
www.vadsa.org

All information or service requests will be treated
in a confidential manner.

Applicants for service or employment shall be
afforded equal opportunity without regard to race,
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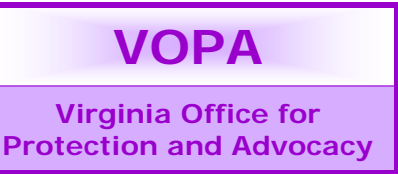
VOPA publications are available in alternate
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Information about

Treatment Planning
and Medication

in State Hospitals and Licensed
Hospitals Providing Care and
Treatment for Persons with
Mental Illness



Virginia’s Protection and Advocacy System
Serving Persons with Disabilities

*This publication provides general
information on Treatment Planning and
Medication rights. For specific legal advice,
you should consult an attorney.*

You do not lose your rights when you
are admitted to a hospital for mental
health treatment. Your treatment rights
include the right to:

- Receive prompt evaluation and
treatment. “Treatment” means any
care that the hospital gives you.
Treatment includes medication.
- Give or refuse to give consent for
treatment. “Consent” means you
agree to receive a certain treatment.
- Give or refuse to give informed
consent for any treatment for which
it is required. “Informed consent” is
required when you are asked to agree
to a treatment that has a risk of
causing you more harm than you
would have in daily life.
- Be a part of all decisions about your
treatment.
- Bring someone you trust with you to
treatment meetings.
- Talk to any doctor you choose to pay
for.

- Be treated in the least restrictive setting
possible.
- Not be secluded or restrained without
reason.
- Ask to be admitted or discharged at any
time.

Capacity

“Capacity” means your ability to make
choices about your treatment.

Your admission to a mental health hospital
does not mean that you do not have capacity.
This is true even if you are admitted against
your will. That means you are *assumed to* be
able to make choices about your treatment.

For your rights to be taken away, a doctor
must decide that you cannot make choices
about the risks and benefits of treatment. This
doctor cannot have been a part of your
treatment.

Consent

If you give consent, it must be because you
want to give it. You should not give consent
because you have been promised something or
because you were threatened with harm.

Informed consent is required for surgery,
electroconvulsive treatment (ECT), and
psychotropic medications. It is also required

to take part in human research.

Informed consent must be voluntary and in writing. You must be provided with:

- A list of any harmful risks or side effects.
- A list of any good things that may happen.
- A list of any other treatments that might be thought about and the side effects, risks, and benefits.
- Notice that you can refuse to give or take away your consent at any time without fear of harm or punishment.
- A list of ways you can talk about concerns or questions you have.

Treatment Without Your Consent

You or your authorized representative must give consent for treatment; however, there are two situations when treatment can be given without consent.

Emergency

"Emergency" means there is a serious risk of you causing harm, injury, or death to yourself or someone else.

If an emergency situation happens, a

hospital may treat you without your consent. This usually means the use of psychotropic medication.

Court-Ordered Treatment

If you are not able to give your consent, the hospital may seek a court order for treatment. The hospital may also seek a court order if there is no one available to make decisions for you. Before giving an order for treatment, a court must find:

- You are not able to make good choices about your treatment.
- You do not have an authorized representative to make decisions for you.
- The planned treatment is in your best interest.
- When ordering treatment, a court must consider your religious beliefs and values.

Court ordered treatment cannot last longer than 180 days. It must be reviewed at least every 30 days.

Medication

If your doctor has suggested medication as part of your treatment, you may want to ask:

- What is this medication supposed to do?

- What are the common side effects of this medication?
- What side effects are less common but possible?
- How much medication will I have to take? How is it given?
- Are there any other medications that have the same effect? If so, why was this one chosen?
- How long has this medication been offered?
- What will happen if I don't take this medication?
- Can I have a fact sheet on this medication?

If you believe that your treatment wishes are not being followed, you have the right to file a complaint. You may also file a complaint if you feel that medication is being given or managed the wrong way. You may want to contact a patient advocate or VOPA for assistance.

Authorized Representative

An authorized representative may be chosen if you cannot make good choices about your treatment due to your illness. If you have one of the following, they will be allowed to make decisions for you:

- An attorney-in-fact. An attorney-in-fact is

someone you choose to make decisions for you. This person has a power of attorney.

- A health care agent. A health care agent is someone you choose to make decisions for you using an advance directive or power of attorney.
- A legal guardian. A legal guardian is someone appointed by a court to make decisions for you.

If you do not have an attorney-in-fact, health care agent, or legal guardian, the hospital must choose another person to make decisions for you. The hospital will select an authorized representative from the following:

- your spouse;
- your adult child;
- your parent;
- your adult brother or sister; or
- any other adult relative.

You have the right to tell the hospital who you want to make decisions for you. The person you choose must be selected unless there is a convincing reason not to appoint him or her.

Minors

If you are under 18, then your parent, guardian, or other legally authorized person can give consent and make decisions for you.